REMARKS

1. Claims Rejections - 35 U.S.C. §102(b) – Claims 1-2, 4-5, 13-20, 22-23, 25-26, 34-44, 46-47, 55-62, 64-65, 67-68, and 76-83

Claims 1-87 are pending in the present application. Claims 1-2, 4-5, 13-20, 22-23, 25-26, 34-44, 46-47, 55-62, 64-65, 67-68, and 76-83 were rejected in the Office Action dated April 23, 2003, under 35 U.S.C. §102(b) as being anticipated by Marchini et al. (GB Patent No. 2,251,112). Applicants respectfully traverse this rejection. However, in order to provide clarification only, claims 1, 22, 42, 43, and 64 have been amended. Claims 1, 22, 42, 43, and 64 are independent claims. Claims 2, 4-5, and 13-20 depend from independent claim 1; claims 23, 25-26, and 34-41 depend from independent claim 22; claims 44, 46-47, and 55-62 depend from independent claim 43; and claims 65, 67-68, and 76-83 depend from independent claim 64. For brevity, only the bases for the rejection of the independent claims are traversed in detail on the understanding that dependent claims are also patentably distinct over the prior art as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate, and independent bases for patentability.

The Examiner states, "Marchini teaches a gaming machine that includes a touch-screen device for controlling, in conjunction with a computer, a game including a slot machine game." The Examiner further states, "Marchini also teaches that the touch screen comprises a transparent screen or window through which the symbols can be displayed, where the symbols can be displayed using either a mechanical reel display or a video screen." However, while the Marchini patent does mention in passing that an actual mechanical reel display could be implemented in the Marchini device, the entire written description provided in the Marchini patent discusses the use of a video display system that generates simulated reels. As such, the Marchini patent does not provide an enabling disclosure of a gaming machine that includes a touch-screen device for controlling the reels of a mechanical slot machine. The Marchini patent was filed on May 5, 1990, and the components necessary to enable a touch-screen device for controlling the reels of a mechanical slot machine did not exist for approximately another 10 years.

More specifically, the Marchini patent does not teach or suggest each and every element of the claimed invention. In this regard, the Marchini patent does not teach or suggest a mechanical reel gaming machine including: (1) a touch panel that provides viewing of the mechanical reels through the touch panel, (2) a reel-compatible touch panel controller that registers and interprets the touch data from the touch panel, wherein the reel-compatible touch panel controller registers the touch data at a level sufficient to support mechanical reel control; and (3) touch panel reel software that interprets and utilizes the touch data received from the touch panel controller at a level sufficient to support mechanical reel control, and wherein the touch panel reel software communicates the touch data to a reel controller that manipulates the mechanical reels in accordance with the touch data received, as required by the claimed invention of the present application.

Respectfully, it appears that the Examiner has not fully appreciated the fact that a mechanical reel assembly requires a completely different (and incompatible) control system than that used by a video display system. More specifically, prior to the claimed invention of the present application, the touch-screen systems that were typically utilized in conjunction with video display systems were completely incompatible with mechanical reel control systems and mechanical reel software architecture, and thus, with mechanical reel assemblies. This is due to the fact that touch panel reel software must be able to control the mechanical reels in "true real time" in order to properly control the starting and stopping of a mechanical reel. Otherwise, the reels cannot be stopped in time to display the proper symbols along the payline. Traditional touch screen software used in conjunction with video slots (as well as the video gaming platform itself) is not capable of this level of sensitivity, but instead operates close to the 200-millisecond level.

For video display purposes, software and touch-screen controllers can satisfactorily operate at this timing level and appear to be operating in real time, but as discussed above, this is not actually true real time and is not capable of supporting mechanical reel control. Correspondingly, touch panel reel software must also receive touch data from a touch-screen controller that is capable of functioning at this considerably more precise level. Such a touch-screen controller can thus be defined as a reel-compatible touch-screen controller. The intricacies of both the touch panel reel

software and the reel-compatible touch-screen controller are described in detail in the specification of the present application. No such disclosure exists in the Marchini reference.

In conclusion, the Marchini patent does not teach or suggest each and every element of the claimed invention. The Marchini patent describes the use of a touch screen on a video gaming system. While the Marchini patent does briefly mention the alternate use of a touch screen on a mechanical reel system, the patent does not provide any enabling disclosure whatsoever of such an embodiment. The Marchini patent does teach or suggest either a reel-compatible touch panel controller or touch panel reel software. Neither do these patents exhibit any awareness of these missing elements that make the claimed invention of the present application functional, nor do these patents exhibit any awareness of the obstacles that had to be overcome in order to create those missing elements. Accordingly, Applicants respectfully submit that the 35 U.S.C. § 102(b) rejection of claims 1-2, 4-5, 13-20, 22-23, 25-26, 34-44, 46-47, 55-62, 64-65, 67-68, and 76-83 as unpatentable over Marchini has been overcome.

2. Claims Rejections - 35 U.S.C. §103(a) – Claims 3, 24, 45, and 66

Claims 3, 24, 45, and 66 were rejected in the Office Action dated April 23, 2003, under 35 U.S.C. §103(a) as being unpatentable in view of Marchini et al., and further in view of Nolte et al. (U.S. Patent No. 6,165,070). Applicants respectfully traverse this rejection. However, in order to provide clarification only, claims 1, 22, 43, and 64 have been amended. Claims 1, 22, 43, and 64 are independent claims. Claim 3 depends from independent claim 1; claim 24 depends from independent claim 22; claim 45 depends from independent claim 43; and claim 66 depends from independent claim 64. The bases for the rejection of the independent claims are traversed in detail on the understanding that dependent claims are also patentably distinct over the prior art as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate, and independent bases for patentability.

The Examiner admits that Marchini does not teach a user selectively stopping the spinning reels. However, the Examiner states that Nolte teaches a video slot game machine having a user ability to selectively stop the individual virtual slot reels. The shortcomings of the

Marchini patent have been fully discussed above. The Nolte reference does not resolve any of the Marchini deficiencies, and thus, claims 3, 24, 45, and 66 are patentable for the same reasons stated above in Section 1. Namely, the Marchini patent and the Nolte patent do NOT teach or suggest either a reel-compatible touch panel controller or touch panel reel software. Neither do these patents exhibit any awareness of these missing elements that make the claimed invention of the present application functional, nor do these patents exhibit any awareness of the obstacles needed to be overcome in order to create those missing elements. Notably, the Nolte reference makes no mention whatsoever of any kind of touch screen system.

Additionally, while the Nolte reference does disclose a video slot game machine having a user ability to selectively stop the individual virtual slot reels, it does NOT disclose a mechanical reel gaming machine having a user ability to selectively start the individual mechanical slot reels by touching the touch panel, as required by claims 3, 24, 45, and 66 of the claimed invention. Thus, Applicants respectfully submit that the 35 U.S.C. § 103(a) rejection of claims 3, 24, 45, and 66 as unpatentable has been overcome for this reason as well.

3. Claims Rejections - 35 U.S.C. §103(a) – Claims 4, 12, 34-41, 46, 54, 67, and 75

Claims 4, 12, 34-41, 46, 54, 67, and 75 were rejected in the Office Action dated April 23, 2003, under 35 U.S.C. §103(a) as being unpatentable in view of Marchini et al., and further in view of Bertram et al. (U.S. Patent No. 5,796,389). Applicants respectfully traverse this rejection. However, in order to provide clarification only, claims 1, 22, 43, and 64 have been amended. Claims 1, 22, 43, and 64 are independent claims. Claims 4 and 12 depend from independent claim 1; claims 34-41 depend from independent claim 22; claims 46 and 54 depend from independent claim 43; and claims 67 and 75 depend from independent claim 64. The bases for the rejection of the independent claims are traversed in detail on the understanding that dependent claims are also patentably distinct over the prior art as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate, and independent bases for patentability.

The Examiner admits that Marchini does not teach the specific type of touch screen utilized in the claimed invention. However, the Examiner states that Bertram teaches various types of touch screens, including those utilized in the claimed invention. The shortcomings of the Marchini patent have been fully discussed above. The Bertram reference does not resolve any of the Marchini deficiencies, and thus, claims 4, 12, 34-41, 46, 54, 67, and 75 are patentable for the same reasons stated above in Section 1. Namely, the Marchini patent and the Bertram patent do NOT teach or suggest either a reel-compatible touch panel controller or touch panel reel software. Neither do these patents exhibit any awareness of these missing elements that make the claimed invention of the present application functional, nor do these patents exhibit any awareness of the obstacles needed to be overcome in order to create those missing elements.

Importantly, the Bertram patent does NOT teach or suggest the use of a touch screen to control a mechanical reel system. This supports Applicants' position that prior to the advent of the claimed invention, touch screen systems had only been able to be used in conjunction with video display gaming machines, and not with mechanical reel gaming machines. The Bertram patent is directed towards a touch screen apparatus and method with wide ranging uses, but is most specifically referenced with respect to electronic video gaming machines. As shown below, in the Summary of the Invention section, the Bertram patent lists no less than fifteen (15) different applications for the touch screen technology.

> Touch screens according to the present invention can be used for a number of purposes. One purpose involves use for an electronic gaming machine such as an electronic slot machine, an electronic keno machine, and the like. Other uses include uses for ordinary computing, such as computing on a personal computer, laptop computer, palmtop computer, notepad computer, personal communication device, telephone, interactive television and the like, running software such as word processing, spreadsheet, communications, database, programming, networking, and other well-known software.

The lack of any mention of the touch screen apparatus being useful for controlling mechanical reel slot machines is resounding in its absence, especially since the patent was written by a large gaming machine company. The reason for this absence is because prior to the advent of the claimed invention, it was not technically possible to use a touch screen apparatus as

a control system for a mechanical reel system, as was described above in Section 1. The Examiner's alleged "interchangeability" of touch screens as control systems from video display systems to mechanical reel systems did NOT exist and was simply NOT possible. Respectfully, the Examiner's own cited reference cuts against his position that a touch screen can be interchangeably ported from the realm of video display gaming machines to the realm of mechanical reel gaming machines.

Accordingly, Applicant respectfully submits that the 35 U.S.C. § 103(a) rejection of claims 4, 12, 34-41, 46, 54, 67, and 75 as unpatentable has been overcome.

4. Claims Rejections - 35 U.S.C. §103(a) – Claims 21, 63, and 84

Claims 21, 63, and 84 were rejected in the Office Action dated April 23, 2003, under 35 U.S.C. §103(a) as being unpatentable in view of Marchini et al., and further in view of Wiltshire et al. (U.S. Patent No. 6,409,602). Applicants respectfully traverse this rejection. However, in order to provide clarification only, claims 21, 63, and 84 have been amended. Claims 21, 63, and 84 are independent claims.

The Examiner admits that Marchini does not teach the use of a plurality of touch panel terminals. Further, the Examiner also states that Wiltshire teaches using multiple gaming terminals in a networked environment that can play reel type games. The shortcomings of the Marchini patent have been fully discussed above. The Wiltshire reference does not resolve any of the Marchini deficiencies, and thus, claims 21, 63, and 84 are patentable for the same reasons stated above in Section 1. Namely, the Marchini patent and the Wiltshire patent do NOT teach or suggest either a reel-compatible touch panel controller or touch panel reel software. Neither do these patents exhibit any awareness of these missing elements, which make the claimed invention of the present application functional, nor do these patents exhibit any awareness of the obstacles needed to be overcome in order to create those missing elements.

Further, the Examiner also states that Wiltshire teaches playing reel type games (Fig. 5A) utilizing touch-screens as inputs and can interchangeably use a mechanical reel system or combine with an electronic reel system. Respectfully, Applicants submit that this is an

inaccurate mischaracterization of the Wiltshire patent. The only reference to a mechanical reel system in the Wiltshire patent is the patentee's statement that "the invention is not limited to any particular type of display or input device." Col. 4, lines 28-29. The patentee goes on to say that the Wiltshire patent, which is directed towards a server-based terminal gaming system, may utilize any of a number various display or input devices including: touch screen systems (as input devices) on client/terminal computers (as display devices), conventional CRT or LCD displays (as display devices) with non-touch screen input devices such as a joystick or mouse, and mechanical reel systems (as display devices).

Respectfully, the Examiner has now made this erroneous inference several times; that because a patent does not directly involve an input and/or display device (and thus, is capable a interfacing with a variety of input and/or display devices), that this non-limitation mandates the conclusion that all input and display devices are completely interchangeable (not only in their entirety, but also in every element that comprises each and every input and display device). Again, respectfully, such a conclusion is clearly unwarranted and illogical. The lack of requirement for a specific type of display device in one patent, does NOT logically require the conclusion that all display devices are universally interchangeable in each and every aspect of every other patent.

The Wiltshire patent actually provides additional support for the Applicant's position, since once again, touch screen systems are discussed only in conjunction with video display gaming machines, and not in conjunction with mechanical reel gaming machines. For example, Applicants note that Fig. 5A of the Wiltshire patent references a video display slot machine. As the patentee explained, "Fig 5A is an image displayed on a screen of a client/terminal computer of Fig. 1, showing a front view of a slot machine." Indeed, all of the figures and all of the embodiments described in the specification of the Wiltshire patent refer to computer video display gaming systems that utilize client/terminal computers.

Accordingly, Applicants respectfully submit that the 35 U.S.C. § 103(a) rejection of claims 21, 63, and 84 as unpatentable has been overcome.

5. New Claims 85-87

New claims 85-87 have been added. These claims are directed towards other game play features that can be controlled by touch data. These features include selecting the denomination of game play, selecting a reel for special game play, and requesting various services. Support for these new claims can be found at page 17, lines 28-30. No new matter has been added.

6. Citation of Pertinent Prior Art

The Examiner has also identified four additional patents as prior art of record that were not relied upon, but that were considered pertinent to Applicants' disclosure. These patents include Cole (U.S. Patent No. 6,475,087), Moody et al. (U.S. Patent No. 6,120,378), Furry et al. (U.S. Patent No. 5,511,784), and Gibson et al. (U.S. Patent No. 6,409,602). Respectfully, Applicants submit that the Examiner has mischaracterized these references, most dramatically, the Cole '087 patent. The Applicants have presented a more accurate description of these patents below.

Cole '087

The Examiner asserts, "Cole '087 teaches that mechanical and video slot displays are interchangeable and are controlled by the same master controller for complete interchangeability. Respectfully, this statement is absolutely incorrect. Importantly, mechanical reel systems and video slot display systems use completely different and incompatible controllers.

As described in Section 1, prior to the claimed invention of the present application, touch-screen systems used in conjunction with video display systems were completely incompatible with mechanical reel control systems and mechanical reel software architecture, and thus, with mechanical reel assemblies. This is due to the fact that touch panel reel software and controllers must be able to control mechanical reels in true real time in order to properly manage the starting and stopping of a mechanical reel. Touch screen software used in conjunction with video slots (and indeed, the video gaming platform itself) is not capable of this level of sensitivity, but instead operates close to the 200 millisecond level. For video display purposes, the software and controllers can satisfactorily operate at this timing level and appear to be operating in real time, but as

discussed above, this is not actually true real time and is not capable of supporting mechanical reel control.

The Cole patent provides a large amount of support for the Applicants' position (and undermines the Examiner's position), by teaching that mechanical type slot machines and video gaming devices are very different from each other, and thus, NOT interchangeable. Specifically, the Cole patent states:

> A first type of device is the mechanical type slot machine. These machines comprise a cabinet including one or more mechanical reels and associated controls, such as mechanisms for causing the reels to rotate and stop, coin or other monetary acceptors, and a coin dispenser.
> Col. 1, lines 10-15.

> A second type of gaming device is the video gaming device. Such devices comprise a cabinet including a cathode ray tube (CRT) for displaying information. A control in the form of hardware and/or software is provided for playing a game, including displaying information on the CRT. For example, in the game known as video poker, the control causes cards to be displayed on the screen, along with other game play information such as bet information. These cabinets are generally very large and heavy.
> Col. 1, lines 21-29.

The Cole patent further explains that "[i]n order to accommodate the substantial differences between the gaming devices adapted to present these games, these gaming devices are currently manufactured as separate and distinct devices." (Emphasis added). Col. 1, lines 32-36.

> There are a number of problems with these gaming devices as currently designed. One problem is that the cost of each individual gaming device is high because it has few features which are common to any other gaming device. The components of each device are unique, generally being designed and manufactured separately. In addition, the assembly of each type of device is then different. (Emphasis added).
> Col. 1, lines 40-46.

Thus, the objective of the Cole patent is to create at least some small amount of compatibility between mechanical reel gaming machines and video gaming machines where currently none exists. However, the Cole patent only claims a gaming cabinet, including a door

and support mounts that could be compatible with either one specific type of mechanical reel gaming machine or one specific type of video gaming machine. Thus, the Cole patent has not addressed the problem of the "substantial differences," and thus, the non-interchangeability of the actual mechanical and electrical gaming components in the mechanical reel gaming machines and video gaming machines.

Next, the Cole patent provides additional support for the Applicants' position, by teaching that mechanical reel gaming machines require different controllers than those utilized by video display gaming machines. The Cole patent describes a mechanical reel embodiment 20 (shown in FIGS. 1-3) from Col. 3, line 32 – Col. 7, line 42 that has a "master controller ... for controlling the various components of the device 20 and their functions and is specifically adapted to implementing this type of game." Col. 5, line 8-11. Thus, the Cole patent is abundantly clear that the mechanical reel embodiment 20 uses its own specific master controller.

The Cole patent then describes a video gaming machine embodiment 120 (shown in FIGS. 4-5) from Col. 7, line 43 – Col. 10, line 33 that has "a different controller ... to control the device 120. In particular, a controller is utilized which is adapted to present a different game, such as a video slot or card game, and for displaying associated information on a video screen or display 190." Col. 8, line 3-8. Thus, the Cole patent again clarifies that a different controller is needed for the mechanical reel embodiment 20 than needed for the video gaming machine embodiment 120.

Finally, the Cole patent provides yet additional support for the Applicants' position by teaching away from the claimed invention (and again, undermining the Examiner's position). The Cole patent teaches away from the claimed invention in its statement that when a touch screen is utilized with the Cole gaming machine, then the reel mechanism is omitted. Specifically, the Cole patent states:

> The panel placed over the display 190 may comprise a touch-screen for accepting touch input from a user. Alternatively, it is noted that the display 190 itself may be arranged to accept touch input. In this embodiment, the reel mechanism 50 is omitted. (Emphasis added).
> Col. 8, lines 40-45.

Therefore, the Cole patent provides a clear teaching that while touch screens are used in conjunction with video display gaming machines, touch screens are NOT used in conjunction with mechanical reel gaming machines. Accordingly, the Cole patent dramatically teaches away from the claimed invention of the present application.

Moody et al. '378

The Moody patent merely teaches a new slot machine game. The game is not limited to only video display systems or to only mechanical reel systems. As such, this patent provides no relevant teaching.

Furry et al. '784

The Furry patent actually supports the Applicants' position (and undermines the Examiner's position) by teaching that it is patentable, and thus non-obvious, to incorporate an advantageous element (virtual mapping) of a video display gaming machine onto a mechanical reel gaming machine. The Furry patent further teaches that this is often a difficult task (i.e., these elements are not readily interchangeable). Examples of these cited difficulties are listed below:

> However, the virtual reel type gaming machines include inherent limitations. First, the machine must include sufficient memory to store the virtual reel table. Thus, as the demand increases for larger payouts with lower probabilities of occurrence, the size of the virtual reel table will increase along with memory requirements therefor. Additionally, once the virtual reel table is established, it is not amenable to updates without completely rewriting the table. For instance, in the virtual reel table of the '419 patent, consecutive random numbers are assigned to each actual reel position. Thus, if the system is modified to change the number of actual positions upon the reel or to change the tonal number of virtual positions, the entire virtual reel table must be rewritten.
>
> Further, these conventional gaming devices require the virtual reel table to be rewritten when it is desirable to change the odds of a particular reel occurrence. Finally, as the market for gaming devices changes, it is desirable to add extra indicia combinations to existing reels and to add more reels with new indicia. These additions extend beyond the capabilities of the virtual reel systems. Also, the market for gaming devices now requires more than one set of virtual reels to

be contained within each computer. As these additions arise, they further increase the memory requirements of the gaming machine.

Gibson '687

This patent teaches that touch panel systems can be utilized with many different types of video display systems. Again, the lack of any mention of the touch panel system being useful for controlling a mechanical system, such as a reel slot machine, is abundantly evident in its absence. Thus, the Gibson patent supports the Applicants' position, since once again, touch screen systems are discussed only in conjunction with video display systems, and not in conjunction with mechanical reel gaming systems.

CONCLUSION

Applicant has made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. In view of the foregoing discussions, it is clear that the differences between the claimed invention and the prior art are such that the claimed invention is patentably distinct over the prior art. Therefore, reconsideration and allowance of claims 1-87 is believed to be in order, and an early Notice of Allowance to this effect is respectfully requested. If the Examiner should have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 712-8319. The undersigned attorney can normally be reached Monday through Friday from about 9:30 AM to 6:30 PM Pacific Time.

Respectfully submitted,

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BROOKE W. QUIST
Reg. No. 45,030
BROWN RAYSMAN MILLSTEIN FELDER
& STEINER LLP
1880 Century Park East, Suite 711
Los Angeles, California 90067
(310) 712-8300

BWQ:elm